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Appl. No. 09/938,292
Response dated August 14, 2003
Reply to Office action of April 14, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David A. Miceli
Serial No.: 09/938,292
Filed: August 24, 2001
For: Reversible Child Resistant Closure
Group Art Unit: 3727
Examiner: Robin Annette Hylton
Attorney's Docket No.: N9491-ICW
Customer No.: 23456

TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING
REJECTION

11/20/2003 RLLD YD 00000001 230035 09938292

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110.00 DA
Tri State Distribution, Inc. of Spencer, TN, the owner of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal disclaimer, of co-pending application No. 09/938,293. The owner hereby agrees that any patent so granted on the instant application will be enforceable only for and during such period that it and the co pending applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration

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date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the co-pending application, as presently shortened by any terminal disclaimer, in the event that the co-pending application later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record. The terminal disclaimer fee under 37 CFR 1.20(d) is authorized to be debited from our Deposit Account 23-0035.

The Commissioner is authorized to charge any additional fees or credit any overpayment coincident to this Terminal Disclaimer to Deposit Account 23-0035.

Respectfully submitted,

Date: 8/14/03


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